

Eleventh Judicial Circuit

2005 Annual Report



Ford, Livingston, Logan, McLean
and Woodford County

**MESSAGE FROM
CHIEF JUDGE
ELIZABETH ROBB**

To the Citizens of the Eleventh Judicial Circuit:

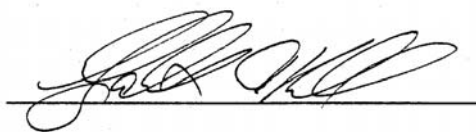
The Annual Report of the Eleventh Judicial Circuit provides statistical information concerning the types and numbers of cases judges hear. Of note is the increase of more than 6000 cases in 2005 than in 2004. As our five county area continues to grow in population, so do the caseloads of our twenty judges. We continue to seek ways to efficiently process cases, while affording all of our citizens fair and equal access to the courts.

Of particular note was the opening of the Livingston County Public Safety Complex in December 2005. This new facility replaces the more than 100 year old jail, and the Livingston County Board and its citizens are to be commended for constructing a state-of-the-art jail and work release center. In November, Logan County commemorated the 100th anniversary of the Logan County Courthouse in Lincoln.

Two dedicated Court Services Directors retired in 2005. Clifford Shoemaker, Woodford County Court Services Director retired after 19 years of service. Sally Wolf, Ford County Court Services Director retired after 15 years of service. We are indebted to each of them for their leadership and commitment to the probation services offices in each of these counties.

In McLean County, plans will soon be underway to renovate the Law & Justice Center in order to create a work release center, consolidate the Juvenile and Adult Court Services offices, provide more office space to the State's Attorney and Public Defender's offices and open a Children's Waiting Room for parents who are required to appear in court and have no one to care for their young children. We are also eagerly anticipating the implementation of a specialized Drug Court to better serve defendants who face substance abuse and addictions. The goal of Drug Court is to assist persons in becoming substance free so that they do not commit new offenses, and instead become employed and productive members of our community. The McLean County Board has approved the hiring of a Drug Court Coordinator for this very worthwhile program.

Our goal is to provide justice to all citizens of the Eleventh Judicial Circuit of Illinois. Please feel free to contact us with suggestions on how we can better serve you.

A handwritten signature in black ink, appearing to read 'Elizabeth A. Robb', is written over a horizontal line.

Elizabeth A. Robb, Chief Judge
Eleventh Judicial Circuit of Illinois

REVIEW OF JUDICIAL ACTIVITIES 2005 – 2006

Community Education and Public Service

Over the past several years, the judges of the Eleventh Circuit have developed a number of continuing education programs, public service projects and community speaking opportunities. Below is a listing of those activities from 2005:

- Judge Jennifer Bauknecht was the featured speaker at the 2005 Athena Awards, hosted by the Pontiac Chamber of Commerce. She is also the chair of the Livingston County Youth Improvement Team.
- Judge Donald Bernardi gave presentations on Pleas of Guilty, Petitions to Revoke Probation and Sentencing at the Judicial Seminars and New Judge Seminar, he is also an adjunct professor at Illinois State University, teaching Evidence and Criminal Law. He also served as a trial judge for the ISU Mock Trial Program.
- Judge Ronald Dozier is an adjunct professor at Illinois State University, teaching Social Work and the Law. He serves on the board of the Foster Care Coalition, the Joycare Center and the Family & Community Resource Center. He gave presentations to the Rotary Club on the Joycare Center, and was the master of ceremonies at the Foster Parent Coalition Awards Ceremony.
- Judge Drazewski is an adjunct professor at Illinois State University, teaching Evidence and Criminal Law, he has also given several presentations regarding family law, visitation and legislation, and has spoken extensively in support of the McLean County Drug Court. Judge Drazewski is the volunteer judge coordinator for the ISU Mock Trial Tournament, and has served as a judge for that tournament and the NCWHS Mock Trial.
- Judge Charles Feeney made several presentations to secondary schools and college groups including El Paso – Gridley High School and Lincoln College. He was also a featured speaker at the Woodford County Teen Conference regarding juvenile court.
- Judge Rebecca Foley was part of a judicial panel on Maintenance and Child Support for the ILCLE Family Law Conference. She also served as a trial judge for the ISU Mock Trial Program and the University of Illinois College of Law Trial Advocacy Program.
- Judge John Huschen is an adjunct professor at the University of Phoenix, teaching both graduate and undergraduate courses in Business Law. Annually, he hosts the Roanoke-Benson 8th Grade Class to view criminal court and discuss criminal law and the Constitution.

- Judge Paul Lawrence gave several presentations to children enrolled in “Kids Turn”, an educational program from the Children’s Foundation (Bloomington, IL) for children and their parents going through a divorce. He also served as a trial judge for the ISU Mock Trial Program.
- Judge Stephen Pacey gave presentations to the Illinois Association of Court Clerks (pro se litigants; alternative dispute resolution), the Paxton-Buckley-Loda Unit Schools (What Happens in a Courtroom), and gave presentations on behalf of the Ford County Juvenile Justice Council regarding the juvenile justice plan. He also gave a presentation for the ISBA Legal Education Seminar regarding Juvenile Law – Permanency Hearings.
- Judge G. Michael Prall served as President for the Robert C. Underwood Inn of Court, and chaired the McLean County Youth Initiative Program. He served as a trial judge for both the ISU Mock Trial Tournament and University of Illinois College of Law Mock Trial.
- Judge Charles Reynard presided over the Court Appointed Special Advocates swearing-in and Central Illinois Paralegal Association Installation of Officers. He lectured on Child Abuse and Neglect at Illinois Wesleyan University, and Law as a Career for Lincoln Elementary School (Lincoln, IL). Additionally, he gave several presentations to the Stepping Stones Community Sexual Assault Task Force, McLean County Bar Association, McLean County Community Compact Executive Committee, Robert C. Underwood Inn of Court, McLean County Juvenile Justice Council, Tools for Tolerance Diversity Program, Illinois Criminal Justice Information Authority, and the Corporate Alliance to End Partner Violence.
- Judge Elizabeth Robb provided lectures for the ISU Social Work Department on Juvenile Law, conducted a mock trial for the Illinois Wesleyan University Legal Strategies Class, was a judge at the ISU Mock Trial Tournament, and was a panelist for the Lincoln Excellence in Leadership Program.

The McLean County Middle School Criminal Justice Project marked its 25th anniversary in 2005. Initially envisioned by Judge W. Charles Witte (retired), the program annually provides over 700 sixth grade students an opportunity to present a mock trial presided over by a sitting judge. The students also have time to speak to the judge about their job and the role of the courts in society. Additionally, The McLean County Jail provides a presentation regarding the processes of the jail and hosts a question and answer period.

Development of a Drug Courts

Over the past 18 months McLean County has worked diligently to create an Adult Drug Court. The McLean County Drug Court Task Force was organized through a grant from the Justice Department to create and implement a court dedicated to drug-addicted clients. Drug courts have achieved considerable support locally and nationally, providing intensive long-term treatment to offenders whose history includes not only recurrent drug use but also continual criminal involvement, past treatment failures and high rates of health and social problems. Program completion rates average nearly 50%, well above the rate for successful completion of probation in the current system. Drug use and criminal involvement are

reduced during the program. In addition to improving public safety the drug court program will reduce recidivism, increase treatment compliance and effectiveness and improve the quality of life in McLean County. Program participants will be non-violent felony offenders with substance-abuse problems. Repeat offenders will have priority.

Local support for the program is broad-based, from community leaders including the League of Woman Voters, the NAACP, and the Latino community, to business and religious leaders and county and city government. To demonstrate its support the McLean County Board agreed to fund the position of Drug Court Coordinator for the program, and the position was filled in February, 2006.

Funding from both federal and state resources is actively being sought which would fully fund our drug court for 3 years, the minimum time needed to establish the program and gather sufficient reliable data to persuade the McLean County Board and other resources to fund the drug court in McLean County.

Restorative Justice

Since its inception in 1999, the Ford County Restorative Justice Program, initiated by Ford County Probation and Court Services and Circuit Judge Steve Pacey, has attempted to strike a balance between the needs of juvenile offenders, the needs of the victims, and the needs of the community. Consistent with this, the goals of the program are: (1) to develop competencies and skills in minors, (2) to hold juveniles accountable to the victim and the community for their actions, and (3) to ensure community safety. These goals are manifested through a process of face-to-face dialogue with the victims, the offender's family, and the community called Accountability Conferencing.

Accountability conferencing provides an opportunity to repair the harm caused by crime, and to the extent possible, to restore the victim and the community to pre-offense levels of well-being, both materially (e.g., through restitution) and psychologically (e.g., through "having a voice" and receiving an apology from the minor). Seventy-two Ford County youth have participated in the conferencing program.

Outcome evaluations have revealed that youth participating in the program have paid 100% of their restitution and completed 100% of the community service requested from them at the conference. Recidivism studies show that for youths who have completed their agreements, 87% did not re-offend in the subsequent twelve months after termination from the program. In addition, the research data uniformly shows that victims and community members are satisfied with the conference process, their role within the conference, and the conference outcomes. Victims seem to appreciate the opportunity to voice their opinions and potentially hear an apology from the minor. There is some indication that minors may feel more connected to the community and that community participants may develop an increased awareness of the issues facing area youth.

**A MESSAGE FROM JUDGE
ROBERT L. FREITAG –
CURRENTLY SERVING WITH
THE US ARMY IN IRAQ**

At 2 A.M. on the 4th of July 2005, I was standing in a formation beside a row of buses with my fellow Soldiers of the 344th Combat Support Hospital, United States Army Reserve, at Fort McCoy, Wisconsin. I had spent the past 10 ½ months on active duty at Ft. McCoy, having been mobilized by order of the President in August, 2004 to serve for 12 months in support of the Global War on Terror. My civilian job as associate judge in the Eleventh Judicial Circuit of Illinois had been left behind to fulfill my obligation to respond to the orders of the Commander-in-Chief, and while it was with much reluctance and some anxiety, I was proud to respond and serve alongside the many other citizen-Soldiers of our great nation who had been called away from their families and jobs. Besides, Ft. McCoy was a mere 5 hour drive from my home in central Illinois, and weekend passes 2 times a month were the norm at Ft. McCoy.

At Fort McCoy, I was assigned to the position of Chief of Military Justice for the installation. In the civilian world, my job would be comparable to that of a State's Attorney, but I would be working for the installation as opposed to a county. While my duty was primarily to investigate and prosecute military and criminal offenses or misconduct committed by Soldiers on duty at Ft. McCoy, I had additional duties "as assigned." Ft. McCoy, Wisconsin is one of 2 mobilization points for Reserve Soldiers being sent overseas, the other being Fort Dix, New Jersey. As such, units spend anywhere from several weeks to several months at Ft. McCoy training for their overseas combat missions. One of my extra "assigned duties" was to provide training on legal issues to many of these units. I developed and presented various training briefings and classes on topics such as military justice, the Law of War (i.e., the Geneva Conventions), the Use of Force, and other legal topics pertinent to Soldiers who would serve in the Middle East. I was busy with my duties there, but the separation from my family was tolerable because I was able to return home several times a month. I often prayed in gratitude that I was not one of those being sent overseas to Iraq or Afghanistan, where I would not only be truly separated from those I loved, but also placed in a dangerous, deadly environment.

So how did I end up standing on the side of the road in the early morning hours of our nation's birthday, waiting to board a bus that would take me to a plane that would take me directly to that environment I so blessedly had been spared? In March, 2005, the 344th Combat Support Hospital, an Army reserve unit headquartered in New York City, arrived at Fort McCoy. The unit had been called to active duty for Operation Iraqi Freedom. The hospital was charged with a unique and difficult mission: to provide for the healthcare of all detainees being held by the coalition forces throughout the entire nation of Iraq. The unit would be split into two main bodies, with the headquarters and a full hospital being set up at Abu Ghraib prison on the western edge of Baghdad, and a second full hospital being set up at Camp Bucca, a detention facility in the far southern part of Iraq. The mission of detainee healthcare was a novel one for the Army, and the 344th was charged with developing the appropriate standards and procedures for providing that mission. As the unit trained, I was tasked with providing

various legal classes for the Soldiers and the command section. In mid-April, I presented a special briefing for the commander on various legal concepts surrounding the international law applicable to treatment of detainees. It was a subject I had very little knowledge of before preparing the briefing. The day after the briefing, I was called into my supervisor's office and informed that the 344th had not yet filled their attorney position, and that the commander had decided that I had the "expertise" he needed for the job. As quickly as that, my 12 month orders were extended to 24 months, and I was transferred from my comfortable Ft. McCoy position and named the Command Judge Advocate for Task Force 344 Medical. The main body of the unit, about 250 Soldiers, departed Ft. McCoy for Iraq on 6 June 2005. Because I had been added to the unit later, I remained at Ft. McCoy with about 50 other Soldiers to complete our pre-deployment training on tasks such as convoy operations, cultural awareness, and weapons systems. Our training concluded, I joined the rest of the unit's 'late detachment' for our journey to Iraq shortly after midnight on Independence Day.

Upon stepping off the plane in Kuwait 2 days later, I was greeted with temperatures of about 110 degrees Fahrenheit. I thought that was hot, but by mid-August the mercury was pushing 140 degrees. We spent about 5 days at a camp in the desert of Kuwait, completing some additional weapons training and 'acclimating' to the desert environment. We then flew to Baghdad in a C-130 military cargo plane, which on that sultry July afternoon could only be accurately described as a flying oven. We spent the next 2 days at Camp Victory, the large coalition installation adjacent to the Baghdad airport, awaiting transportation to Abu Ghraib. Finally, in the darkness of the night on 13 July 2005, we flew with all of our gear in a large Army CH-47 Chinook helicopter to Abu Ghraib. We were greeted by several of the unit members who had arrived there about a month earlier, and taken to our quarters. Abu Ghraib, known to the average American as the place where several American Soldiers engaged in horrendous abuse of Iraqi the Iraqis as the place where Saddam Hussein imprisoned, tortured and killed thousands of Iraqis during his reign of terror, was to be our home for the next several months. The complex has several separate walled areas, each containing a large cellhouse building and supporting warehouses. Our living quarters are located in one of these complexes, called an LSA, (Life Support Area), in the Army. The bottom line is: I live in a prison cell, complete with iron bars. Our sanitation facilities consist of trailers with shower stalls, (hot water is hit or miss!), and a bank of plastic 'porta-potties' that become oppressively hot in the summer sun. The hospital I work in is located inside a concrete warehouse in a different LSA. The entire prison is also surrounded by an outside wall, some 30 feet high, providing us with separation and protection from the insurgent elements living just outside those walls. Because Abu Ghraib is located in the area known as the "Sunni Triangle," security and safety prohibit us from leaving the walled enclosure. As such, it truly feels, at times, that we are imprisoned here, serving a 12 month sentence. But, as I will try to summarize in the remainder of this column, the value and pride that I hold in what we have accomplished here softens the blow of the time I have served here at Abu Ghraib prison.

I am the Command Judge Advocate for Task Force 344 Medical. As such, I am the only lawyer in a 300 member medical unit. I have a legal clerk, Staff Sergeant Michael Morrison from upstate New York, who assists me in ways which are invaluable. Our hospital is what the Army categorizes as a Level 3 facility, meaning we have a complete trauma/emergency department, laboratory, surgical capabilities, radiology, pharmacy, nutrition care, psychology, dental clinic, optometry, physical and occupational therapy, and intensive care unit, all in addition to a 40 bed inpatient hospital. The detention facility here at Abu Ghraib holds approximately 5000 detainees, and our hospital is charged with maintaining the

health of all of these individuals. This means that we treat detainees as inpatients, as outpatients at any of the clinics within the hospital, and “on the wire.” The latter refers to the daily contact that doctors, nurses and medics have with detainees in the detention camp areas themselves, including conducting a daily sick call, passing out daily medications, and running a ‘wound care’ tent to insure proper treatment and cleanliness of any wounds the detainees may be recovering from. The hospital also provides complete healthcare services to all of the military and civilian contractor personnel housed here at Abu Ghraib. In addition, the trauma/emergency department, and all supporting departments such as surgery, etc., provides care to any U.S. or Iraqi military or civilian casualties that may be transported here from outside the prison walls.

My job is to be the legal advisor to the commander specifically, and the hospital in general. As such, I act much like the in-house counsel of any hospital, with some additional responsibilities unique to the military nature of our organization. I advise the command on hospital issues such as confidentiality and release of medical records, contracts and acquisitions of supplies and equipment, medical ethics such as end-of-life decisions for our critically ill or injured detainee patients, and standard of care issues. The fact that our mission is to treat detainees adds quite a twist to these issues, particularly in light of the fact that our patients have significant cultural differences. For instance, early in our deployment I was tasked with drafting an SOP for the ethics committee on how to address termination of life support for critically ill patients. The document required research not only into the medical and ethical components of this issue, but also the effect of Muslim medical practices and beliefs and their relationship to the decision. We consulted with medical staff at the Iraqi civilian hospitals in Baghdad, as well as with the Iraqi Ministry of Health, and learned that Iraqis tend to discourage the use of life-prolonging treatment. We then developed a policy which would be sensitive to these cultural considerations, yet balance the need for us to meet our obligations under international law to provide treatment to the detainees which was substantially equivalent to that provided to our own Soldiers. It has been a challenge, as well as quite an educational experience for me personally, to become adept at providing competent advice to the medical staff here that integrates so many different, and at times competing, requirements and considerations.

Secondary to providing advice on medical issues, I provide legal services to our unit on a wide range of other matters. These matters include military justice and discipline of our Soldiers, legal assistance services for our Soldiers and others here at Abu Ghraib, (i.e., providing legal counseling on personal issues, such as divorce, consumer issues, etc.), drafting various legal documents such as powers of attorney or wills, and answering questions or providing advice on the meaning and intent of various Army regulations and policies. In short, I basically run a general practice law office here in an old prison in the middle of the desert. Like many other Soldiers here, I work seven days a week, and holidays are just another workday. I am generally in the office by 7:30 A.M., and I rarely leave before 6:30 or 7 P.M. I have found that despite the long hours, keeping busy is truly the goal because boredom simply aggravates the feeling of separation and distance from the family I love and miss every day. In that vein, I have sought out other things to work on in order to remain busy and, hopefully, pass the time a little more quickly.

I have had the opportunity to work with both the Central Criminal Court of Iraq, (CCCI), and the Iraqi Special Tribunal, (IST). The CCCI is the main criminal justice court of Iraq, and they are responsible for processing, among other things, the cases of any of the

detainees who are charged with criminal offenses, including acts of terrorism. Because the Iraqi system is an inquisitorial one, rather than an adversarial system like we practice, the cases tend to take a long time to work through the system. I worked together with another reserve JAG, who is assigned to the CCCI process, and we successfully convinced the branch of the court here at Abu Ghraib to institute the process of plea bargaining. Looking at it solely as a function of judicial economy, without debating its merits or shortcomings, the plea bargaining effort appears to be slowly showing signs of success. From my contacts with the judges and prosecutors in the CCCI, I managed to finagle my way into a meeting with the judges of the IST, the special court created to hear cases against former Iraqi regime leaders, most notably Saddam Hussein. The meetings occurred in October, and included the chief judge of the trial at that time, Judge Rizgar Amin. I spoke with Judge Amin principally regarding the general topic of due process, but we had some very specific conversations about courtroom control and the management of 'difficult' defendants. I found the judge to be a very thoughtful and dedicated individual, and despite his later resignation from the court, I will forever admire his bravery and commitment to developing the rule of law in his country.

I am extremely proud of the contributions I have been able to make to the overall success of the difficult mission of Task Force Medical 344. I am particularly gratified to have had the opportunity to play a very small part in the advancement of the legal system in Iraq, because I firmly believe that the establishment of a solid, reputable court system and respect for the law is fundamental to eventual peace in the country. But perhaps the most personally gratifying experiences I have had here have nothing to do with my legal work or military training, although I believe that these experiences are also critical to developing peace in Iraq. At the detention center here at Abu Ghraib, detainees are permitted to have family visitors. Our visitation center is an active place, often full of children visiting fathers, brothers, uncles and grandfathers. The hospital unit ministry team spearheaded an effort to provide gifts and necessities for these children. I was drawn to the humanity of this effort in such a malevolent setting. My wife and son were also excited about the chance to help me do something positive, and they set about collecting various items for the children, such as small toys and beanie babies, school supplies, and hygiene items. I soon started receiving boxes of these items, and I have truly been touched by the generosity of so many friends, churches and groups who have contributed to this cause. About once a week, I am able to slip out of the office and go to the visitation center, where I assist in the distribution of these items directly to the children. The reward of seeing their broad smiles has been the highlight of my deployment. These are children who live in a harsh and dangerous world, and many live in poverty as well. Providing them with something positive in their lives at a time when they are surely confused and oftentimes hurting over the detention of their family member is heartwarming to me personally, as well as a small gesture of demonstrating to the children and their families that we are a compassionate people. One of the surprises I have experienced during these distributions has been the joy, and often tears, exhibited by the detainees themselves as they see their children's happiness. There is no doubt in my mind that these small acts of kindness, witnessed by those who are being detained by the power of our government, have a beneficial effect on shaping their views and attitudes towards us in a more positive direction. The Army refers to these types of actions as 'winning the hearts and minds of the people.' I think we should just call them what they are: the right thing to do.

As I write this, I have about 4 months remaining on our time here in Iraq. The locale of our mission, Abu Ghraib, is a harsh and dangerous one. The desert heat is oppressive, and the accommodations are Spartan, at best. The installation is frequently the target of attacks

from insurgents, ranging from mortars, rockets and even small arms fired into the base, to IED's on the roadways surrounding it. Yet without a shadow of a doubt the most difficult aspect of this deployment has been the separation from my beloved wife Traci and my precious children Bobby and Andrea. I marvel at their strength and support for me as they persevere with their daily lives and the chores of carrying on without my assistance. Their encouragement and love has been the rock I have clung to, and I know it will see me through to the end. Add to that the tremendous support of my friends and colleagues, from encouraging e-mails and cards to highly appreciated care packages, and I know that I have been truly blessed by so many people. I will continue to work, to the best of my ability, at completing my duty to my Army and my country, and to make my colleagues proud of the effort of our gallant Soldiers to bring peace and democracy to this battered and riven land.

MAJOR ROBERT L. FREITAG
Command Judge Advocate
Task Force Medical 344
Abu Ghraib, Iraq

COURT ORGANIZATION

ILLINOIS SUPREME COURT

Article VI, the Judicial Article of the Illinois Constitution of 1970, provides for a unified, three-tiered judiciary - Circuit Court, Appellate Court, and Supreme Court. The Illinois Supreme Court is the highest court in the State. Cases are normally channeled to the Supreme Court from the Appellate Court, but in cases where a Circuit Court has imposed a death sentence, the law allows direct appeal to the Supreme Court, bypassing the Appellate Court. The Supreme Court can pass rules to allow direct appeal in other cases.

The Supreme Court has original and exclusive jurisdiction in matters that involve legislative redistricting and determining the ability of the Governor to serve in office. The Supreme Court also has discretionary original jurisdiction in cases relating to State revenue and writs of mandamus, prohibition, or habeas corpus.

The Illinois Supreme Court is comprised of seven justices; three represent the First Appellate Judicial District (Cook County), and one each represents the remaining four Appellate Judicial Districts. A majority vote of four is required to decide a case.

APPELLATE COURT

The Illinois Appellate Court is divided into five judicial districts. Cook County comprises the entire First Judicial District, with the rest of the state being divided into the remaining judicial districts of "substantially equal population, each of which shall be compact and composed of contiguous counties". The Eleventh Judicial Circuit, and four other circuits, comprises the Fourth Judicial District of the Appellate Court.

Any party has the right to appeal a decision of the Circuit Court to the Appellate Court, except the State's Attorney, who cannot appeal a verdict of not guilty. Attorneys present arguments to the Appellate Court about whether the trial court made an error in applying the law. They do not re-litigate the facts of the original trial. Three judges hear an appellate case and a majority vote of two is required to decide the case.

The Appellate Court affirms the trial court decision if it finds there has been no error committed in the application of law, or if the error was so minimal it made no difference in the outcome of the trial.

The Appellate Court may reverse the trial court decision or remand the case for a new trial if there has been a substantive error in the application of the law. In this instance, the case is normally sent back to the Circuit Court for further action.

CIRCUIT COURT

The State of Illinois is divided into 22 judicial circuits. Each judicial circuit is comprised of one or more contiguous counties. Circuit Courts, also known as trial courts, are established within each judicial circuit.

The Circuit Court is a court of general jurisdiction, meaning it has original jurisdiction in all matters except those limited cases in which the Supreme Court has original jurisdiction. The trial courts

hear a wide variety of civil and criminal cases, ranging from small claims actions to domestic relations to criminal felonies.

There are two types of judges in the Circuit Court: Circuit Judges and Associate Judges. All judges must be licensed attorneys and are officials of the State of Illinois. Circuit Judges are initially elected for a six-year term, either on a circuit wide basis or from their county of residence. Thereafter, every six years they must run circuit wide for retention. The Circuit Judges elect a Chief Judge using guidelines established by local court rules; the Chief Judge provides administrative guidance to the entire circuit. Associate Judges are appointed on a merit basis by the Circuit Judges for a four-year term. Thereafter, the Circuit Judges consider them for retention every four years.

The Circuit Court is provided funding from three sources: (1) State funds finance the Mandatory Arbitration Program, as well as salaries and benefits for judges and court reporters; (2) State funds which provide reimbursement to the counties to offset the costs of several positions in Court Services; (3) County revenues. In order to maintain a productive organization, the judges and their staff work closely with the County Board and County Administrator's office in the areas of office automation, personnel management, and budgeting.

CIRCUIT JUDGES

Chief Judge Elizabeth A. Robb
McLean County

B.A. Illinois Wesleyan University (1978)
J.D. Loyola University (1981)

Associate Judge 1993 to 2000
Circuit Judge 2000 to present

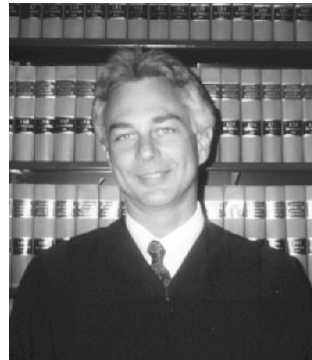
Chief Judge 2004 to present



Honorable Donald D. Bernardi
McLean County

B.A. Knox College (1973)
J.D. Western New England College (1978)

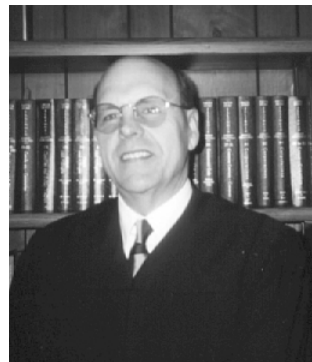
Associate Judge 1991 to 1996
Circuit Judge 1996 to present



Honorable David L. Coogan
Logan County

B.A. Western Illinois University (1965)
J.D. University of Illinois (1968)

Associate Judge 1985 to 1998
Circuit Judge 1998 to present



Honorable Ronald C. Dozier
McLean County

B.A. University of Illinois (1968)
J.D. University of Illinois (1973)

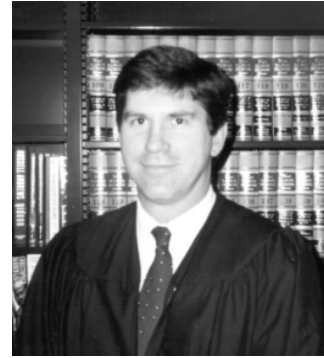
Associate Judge 1988 to 1991
Circuit Judge 1987 to 1988,
1991 to present



Honorable Scott D. Drazewski
McLean County

B.A. Illinois State University (1979)
J. D. DePaul University (1982)

Associate Judge 1997 to 2001,
2002 to 2004
Circuit Judge 2001 to 2002,
2004 to present



Honorable Harold J. Frobish
Livingston County

B.A. University of Illinois (1965)
J.D. University of Illinois (1968)

Associate Judge 1986 to 1998
Circuit Judge 1998 to present



Honorable John B. Huschen
Woodford County

B.A. Northwestern University (1976)
J.D. John Marshall Law School (1980)

Circuit Judge 1997 to present



Honorable Stephen R. Pacey
Ford County

B.A. University of Illinois (1970)
J.D. University of Illinois (1974)

Circuit Judge 1996 to present



Honorable G. Michael Prall
McLean County

B.A. University of Illinois (1969)
J.D. University of Illinois (1972)

Associate Judge 1991 to 1996
Circuit Judge 1996 to present



Honorable Charles G. Reynard
McLean County

B.A. St. Joseph College (1968)
J.D. Loyola University (1974)

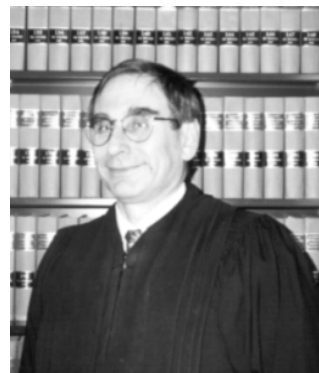
Circuit Judge 2002 to present



Honorable James E. Souk
McLean County

B.A. West Virginia University (1966)
J.D. University of Illinois (1974)

Associate Judge 1997 to 2002
Circuit Judge 2002 to present



ASSOCIATE JUDGES

Honorable Jennifer H. Bauknecht
Livingston County

B.S. University of Illinois (1990)
J.D. John Marshall Law School (1994)

Associate Judge 2005 to present



Honorable Donald A. Behle
Logan County

B.S. University of Illinois (1978)
J.D. Washington University (1981)

Associate Judge 1999 to present



Honorable David W. Butler
McLean County

B.S. Illinois State University (1976)
M.S. Illinois State University (1986)
J.D. Southern Illinois University (1980)

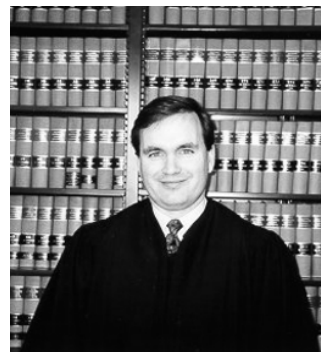
Associate Judge 2005 to present



Honorable Charles M. Feeney III
Woodford County

B.A. University of Illinois (1985)
J.D. Washington University (1988)

Associate Judge 2000 to present



Honorable Kevin P. Fitzgerald
McLean County

B.S. Illinois State University (1978)
J.D. University of Illinois (1981)

Associate Judge 2000 to present



Honorable Rebecca S. Foley
McLean County

B.S. University of Illinois (1991)
J.D. DePaul University (1995)

Associate Judge 2004 to present



Honorable Robert L. Freitag
McLean County

B.S. Illinois State University (1984)
J.D. University of Illinois (1987)

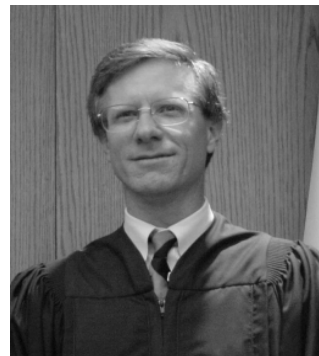
Associate Judge 2000 to present



Honorable Paul G. Lawrence
McLean County

B.S. University of Illinois (1982)
J.D. University of Missouri (1985)

Associate Judge 2002 to present



Honorable Robert M. Travers
Livingston County

B.A. University of Illinois (1971)
J.D. Valparaiso University (1976)

Associate Judge 2003 to present

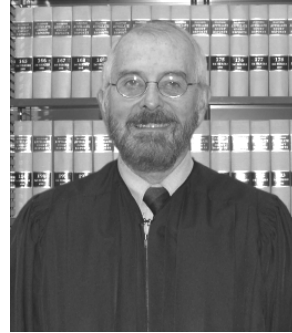


RECALLED JUDGES

The following judges were recalled for service in 2004-2005 due to Judge Robert Freitag's deployment to Iraq.

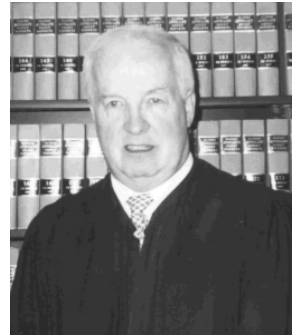
Honorable William Caisley
McLean County

Recalled – February 2005 – December 2005



Honorable William D. DeCardy
McLean County

Recalled - August 2004 – February 2005



Honorable Thomas Ebel

Recalled February 2006 – August 2006



CIRCUIT CLERKS

Honorable Carla Bender
Logan County



Honorable Judy Cremer
Livingston County



Kamalen Johnson
Ford County



Honorable Carol Newton
Woodford County



Honorable Sandra Parker
McLean County



OFFICES AND PROGRAMS

Clerk of the Circuit Court

The office of the Clerk of the Circuit Court is established in Article VI of the Illinois Constitution. This office is the administrative and clerical arm of the Circuit Court, and the Circuit Clerk is a non-judicial officer of the court.

The Office of the Clerk of the Circuit Court maintains official records for the entire court system, and is the official recorder of documents for filing and appeals. The Clerk collects all fines, fees, costs, and penalties assessed, and distributes those monies on a monthly basis to the county, state, municipalities, and townships. Court ordered child support and maintenance payments are made in the Clerk's office and distributed to the proper recipients. The Clerk is responsible for office staff, including court clerks.

This office is responsible for jury duty summons to prospective jurors, preparing payroll for those who serve on jury duty, and providing orientation to all jurors during their period of service to the County.

The Circuit Clerk is an elected office, and the term of office is four years.

Court-Annexed Mandatory Arbitration Program

Illinois system of court-annexed arbitration is derived from both statute (735 ILCS 5/2-1001A et. seq.) and from rules adopted by the Illinois Supreme Court (Supreme Court Rules 86-95). While the process of arbitration is not new or unique in the private sector, the court-annexed model is notably different in that it is mandatory for certain classes of cases, but the outcome is non-binding. When utilized in the private sector, arbitration tends to be entered voluntarily by the disputing parties, usually with an agreement the decision will be binding and conclusive. In Illinois and elsewhere, policy makers have determined that courts should require arbitration for some types of civil disputes because it can contribute to a reduction of court congestion, costs, and delay, as well as help diminish the financial and emotional costs of litigation for parties. The goal of the process is to deliver a high quality, low cost, expeditious hearing in eligible cases, resulting in an award that will enable, but not mandate, parties to resolve their dispute without resorting to a formal trial.

The objective of the program is to submit modest sized claims to arbitration, because such claims tend to be easier to manage and faster to resolve in an informal alternative process. There are safeguards designed to insure fairness of the process. These safeguards include the right to petition the court for an order transferring the case out of arbitration before the arbitration takes place, and the right to reject an award believed unacceptable.

For eight years the Eleventh Circuit Mandatory Arbitration Program has been a forum for Small Claims and Law (minor) cases to be resolved expeditiously. Over 6500 cases have been filed in the program, with less than 25% of the awards rejected. The trial rate over the past five years has been only 0.8%.

In Ford and McLean Counties, all civil cases with damages between \$5000 and \$50000 are directed into the program. A panel of three arbitrators hears these cases. Each party makes a brief

presentation of their case to the panel that deliberates and makes a decision the same day. The parties then have 30 days to accept the decision. In the event one of the parties is not satisfied with the panel's award, he/she may reject the award and proceed to trial before a judge as if the arbitration hearing had never occurred. In many cases, the arbitration hearing is the only hearing on the merits of the case.

Court Reporters

The Court Reporter is responsible for making a full stenographic report of the evidence and all other proceedings presented in the trial court. While court reporting machines were developed as early as the mid-nineteenth century, manual shorthand was the primary means of preserving the verbatim record until the 1940's. Today, all court reporters are trained in stenotype theory using a 23-key machine.

The majority of court reporters in the country today utilize computer-aided transcription (C.A.T), which was introduced in the courts about 1977. This is a technique in which the strokes from the stenotype machine are electronically recorded to tape or diskette and then fed into a computer where the reporter has stored a dictionary. The dictionary is a list of stenotype strokes matched to their English equivalents. The computer translates the stenotype into English at the rate of up to 2000 pages per hour.

The primary function of a court reporter is to make a verbatim record of all testimony in a court proceeding and, upon request, produce a written transcript of the proceeding. In an average day, a reporter may transcribe from 30000 to 50000 words. The average rate of speech is estimated at 150 to 160 words per minute (about two and one-half words per second). The reporter must be an excellent grammarian and speller, and must have a wide vocabulary – particularly legal, medical, and technical terminology.

There are several qualifications to become a certified Court Reporter, including proficiency examinations, and professional regulations.

Court Reporters are considered to be officers of the Court, and must comply with all statutes, rules and regulations promulgated by the Court Reporting Services Office, local court rules, Illinois Statutes, or policies of the Eleventh Judicial Circuit. All Court Reporters are assigned at the direction of the Chief Judge, and are supervised from day to day by the resident judge, and Chief Judge's Administrative Assistant.

Court Services

The Bill of Rights of the Constitution of the State of Illinois, at Article 1, Section 11 states; *"All penalties shall be determined both according to the seriousness of the offense and with the objective of restoring the offender to useful citizenship"*. Consistent with the constitutional concept of "restorative justice", Illinois law (730 ILCS 5/5-6-1) requires a presumption of probation in the consideration of sentencing options, and the majority of convicted offenders are, in fact, sentenced to probation. As the sentence of choice in Illinois, probation is a cost effective alternative to imprisonment that can serve the ends of justice, provide for the safety of society, and restore offenders to useful and productive lives.

Court Services is the largest component of the community correctional element of the criminal justice system. In Illinois, Court Services is under control of the judicial branch of government. Each county Court Services department is responsible to the Chief Judge of the Judicial Circuit.

The mission of Court Services is to protect the public interest and safety by diligently enforcing court ordered conditions of probation through meaningful supervision strategies, and utilizing appropriate supportive resources. The core services of Court Services are to provide appropriate court dispositions for adult and juvenile offenders, and to supervise those persons placed on probation. Court Services departments may also provide a broad range of services including: crime and delinquency prevention; pretrial release; adult and juvenile diversion; juvenile detention; intensive probation supervision; specialized DUI services; community service programs; volunteer programs; and family court services.

Jury Commission Clerks

Jury service is an integral part of our justice system emanating from the Constitution of the United States, which grants every citizen the right to trial by jury. To satisfy this Constitutional mandate, the Eleventh Circuit follows the standards for jury selection and service embodied in the Jury Commission Act (705 ILCS 310).

The Jury Commission consists of three Commissioners, appointed for three year rotating terms by the Circuit Judges, an appointed Administrative Clerk, and staff necessary to perform the duties of the Commission.

The purpose of the Jury Commission is to provide the necessary jurors to serve the court system as needed, and to offer courteous service and information to prospective jurors. The major function of the Administrative Clerk is to prepare lists for the selection of jurors, prepare and mail jury summons, and provide juror assistance and information. The Illinois Statutes strictly regulate the lists and actual selection of jurors in order to assure fairness in the courts.

The list of names is compiled from a combination of registered voters and residents who are 18 years of age, and is by random selection from the pool of prospective jurors.

Petit jurors are sworn to hear evidence in civil and criminal trials and to render a verdict. Grand jurors have the duty to receive complaints in criminal cases, hear evidence presented by the State, and find bills of indictment where they are satisfied there is probable cause to believe a crime has been committed. Petit jurors are so named because fewer people sit on a petit jury than on a grand jury.

Livingston, Logan and McLean Counties have jury commission clerks. In Ford and Woodford Counties, the Circuit Clerk fulfills that role.

Trial Court Administrator

The position of Trial Court Administrator was created by Supreme Court Rule, and is designed to assist the Chief Judge in administering trial court operations on a circuit-wide basis.

The Court Administrator administers personnel policies and procedures applicable to non-judicial court employees, monitors the fiscal management of the trial courts, assists in budget preparation and administration, negotiation of contracts, payroll, purchasing and audit functions. The administrator prepares and administers grants and capital budget forecasting.

The Trial Court Administrator serves as a liaison between the Chief Judge, Administrative Office of Illinois Courts, various County Boards, County Administrator offices, Court Services departments, detention facilities, local governmental units or elected officials, and community service organizations.

The office provides research, evaluates, plans and coordinates automation projects, and prepares the annual report to the Circuit. The office is also charged with overseeing that ADA standards are met for the various programs administered by the Circuit Court.

TABLES

2005 CASE FILING STATISTICS

CATEGORY	Ford	Livingston	Logan	McLean	Woodford
Adoption	0	19	16	80	7
Arbitration	31	0	0	697	0
Chancery	51	102	103	364	70
Dissolution	61	178	155	587	124
Eminent Domain	0	0	0	0	0
Family	9	63	137	496	77
Law	12	32	19	202	33
Law (Minor)	21	253	180	901	108
Municipal Corporation	0	0	1	0	0
Mental Health	0	3	0	142	0
Misc. Remedy	15	139	79	298	27
Order for Protection	38	65	210	188	157
Probate	40	156	115	278	135
Small Claims	97	642	606	2493	280
Tax	14	22	19	1	16
Total Civil	389	1674	1640	6727	1034
Criminal Contempt	0	23	0	17	0
Felony	143	327	187	1251	160
Misdemeanor	244	883	404	2406	252
Total Criminal	387	1233	591	3674	412
Juvenile	0	8	1	13	0
Abuse & Neglect	24	20	18	142	23
Delinquency	30	78	89	146	36
Total Juvenile	54	106	108	301	59
Conservation	14	14	11	52	18
DUI	205	205	194	861	167
Ordinance Violation	341	341	155	2281	40
Traffic	9533	9533	6942	39870	6553
Total TR/DUI/OV	2327	10093	7302	43064	6778
TOTAL FILINGS	3157	13106	9641	53766	8283
2004 Filings	3091	12513	9104	49375	7777
2003 Filings	3296	13722	10134	51801	8680
2002 Filings	3284	13451	11905	50992	8249
2001 Filings	3252	12557	10978	53506	8313

**2005 ANNUAL FINANCIAL REPORT
OFFICE OF THE CIRCUIT CLERK**

CATEGORY	Ford	Livingston	Logan	McLean	Woodford
REVENUE					
Clerk's Fees and Costs	77,310.00	281,951.30	174,153.00	1,270,846.00	183,138.00
Court Automation	10,537.95	57,609.29	37,460.00	193,578.00	33,531.00
Child Support	36.00	15,735.25	14,399.00	72,844.00	917.00
Document Storage	10,523.00	32,958.11	37,518.00	190,638.00	33,600.00
IDPA IV-D Contract	9906.00	12,042.71	0.00	32,750.00	9939.00
Interest Income	1637.72	3184.25	2401.00	23,682.00	654.00
TOTAL REVENUES	\$109,950.67	\$403,480.91	\$265,931.00	\$1,784,338.00	\$251,840.00
EXPENSES					
Gross Salaries	101,264.70	318,121.44	345,868.00	1,607,168.00	237,252.00
Automation Expenses	26,251.08	152,947.93	21,790.00	245,983.00	27,562.00
Child Support Exp.	98.01	0.00	19,000.00	50,089.00	3190.00
Doc. Storage Exp.	7343.26	44,027.65	19,539.00	264,443.00	10,752.00
Other Office Exp.	28,997.98	30,150.00	80,510.00	163,531.00	49,956.00
SUBTOTAL	\$163,955.03	\$545,247.02	\$486,677.00	\$2,331,214.00	\$328,712.00
DISTRIBUTIONS					
Child Support	873,057.10	5,376,784.52	3,506,423.00	17,184,646.00	5,529,478.00
Municipalities	40,423.95	265,196.96	136,667.00	1,268,993.00	289,965.00
Drug Task Force	0.00	3336.05	56.00	5492.00	0.00
Townships & Districts	7118.52	19,895.70	839.00	47,014.00	0.00
County	151,168.49	647,916.80	615,851.00	1,710,038.00	461,080.00
State	99,555.28	389,302.88	230,080.00	1,734,905.00	261,362.00
Fees of Others	122,483.58	295,895.16	201,014.00	1,310,503.00	236,297.00
Miscellaneous	79,461.06	355,610.92	339,874.00	1,158,821.00	232,848.00
SUBTOTAL	\$1,373,267.98	\$7,374,138.99	\$5,030,804	\$24,420,412.00	\$7,011,030.00
TOTAL EXPENSES AND DISTRIBUTIONS	\$1,537,223.01	\$7,919,386.01	\$5,517,481.00	\$26,751,626.00	\$7,339,742.00

2005 ARBITRATION STATISTICS

Pre-Hearing Calendar	Ford	McLean	Total
Beginning Pending – Pre-Hearing	12	703	715
Cases Added to Pre-Hearing Calendar			
a. New Filings	30	703	733
b. Reinstatements		121	121
c. Transfers		75	75
Total Added – Pre-Hearing	30	899	929
Cases removed from Pre-Hearing Calendar			
a. Terminations	32	725	757
b. Transfers out of arbitration		29	29
c. Hearings	5	75	80
d. Other			
Total Removed - Pre-Hearing	37	829	866
Ending Pending – Pre-Hearing	5	773	778

Post-Hearing Calendar	Ford	McLean	Total
Beginning Pending – Post Hearing	0	119	119
Cases Added to Post-Hearing Calendar			
a. Hearings	6	75	81
b. Reinstatements		1	1
c. Other			
Total Cases Added - Post-Hearing	6	76	82
Cases Removed from Post-Hearing Calendar			
a. Dismissed		6	6
b. Settlement		6	6
c. Judgment on Award	5	29	34
d. Other			
e. Rejections		25	25
Total Cases Removed - Post-Hearing	5	66	71
Ending Pending – Post Hearing	1	129	130
Post-Rejection Calendar			
Beginning Pending – Post-Rejection	0	27	27
Cases Added to the Post-Rejection Calendar			
a. Rejections		25	25
b. Reinstatements		1	1
c. Other			
Total Cases Added – Post-Rejection	0	26	26
Cases Removed from Post-Rejection Calendar			
a. Dismissed		3	3
b. Settlement		5	5
c. Judgment on Award		1	1
d. Other			
e. Trials		1	1
Total Cases Removed – Post-Rejection	0	10	10
Ending Pending Cases – Post-Rejection	0	43	43

2005 COURT SERVICES STATISTICS

CATEGORY	Ford	Livingston	Logan	McLean	Woodford
Adult Caseload					
Felony	48	173	218	790	147
Misdemeanor	110	62	399	156	129
DUI	26	21	121	55	46
Traffic	5	3	37	44	50
Total	189	259	775	1045	372
Administrative	133	324	166	319	721
Adult Investigations					
PSI	21	81	14	385	88
Abbreviated PSI	1	15	0	50	157
Pre-Trial Bond	0	0	0	10	0
Record Check	0	71	23	144	0
Other	5	0	0	47	3
Total	29	173	37	636	248
Adult Programs					
Alcohol	3	2	5	36	23
Drug	5	1	2	4	27
Alcohol and Drug	14	6	57	131	41
Mental Health	4	1	8	165	91
Sex Offender	3	0	8	8	2
TASC	1	0	4	3	0
Total	30	10	84	347	184
Juvenile Caseload					
Probation	22	130	86	164	78
Supervision	2	5	18	0	2
CUS	3	6	1	16	12
Informal	4	32	0	48	4
Total	31	173	105	228	96
Administrative	3	29	17	4	13
Juvenile Investigations					
Social History	5	57	42	174	56
Supp. Social History	1	9	0	40	0
Intake Screening	0	553	13	758	21
Other	0	29	13	87	2
Total	6	648	68	1059	79
Restitution and Community Service					
Restitution Collected	\$39,114.94	\$94,965.54	N/A	\$330,280.96	\$65,967.00
CS – Adult	3791	4230.5	1392	48645	15,031.75
CS – Juvenile	791	2075.5	3270.5	3242	1863.25
Total Hours Performed	4582	6306	4662.5	51,887	16,895

DIRECTORY

Chief Judge Elizabeth Robb

Debbie Haas, Assistant Administrator for Arbitration

Kay Mitchell, Administrative Assistant

William Scanlon, Trial Court Administrator

Circuit Judges:

Donald D. Bernardi

Janet Myers, Secretary

David L. Coogan

Kathy Beaver, Secretary

Ronald C. Dozier

Phyllis Norfleet, Secretary

Scott D. Drazewski

Martha Hollis, Secretary

Harold J. Frobish

Linda Foth, Secretary

John B. Huschen

Janice Kindig, Secretary

Stephen R. Pacey

Bonnie Hull, Secretary

G. Michael Prall

Karen McKinney, Secretary

Charles G. Reynard

Connie Busch, Secretary

James E. Souk

Betty Goin, Secretary

Associate Judges:

Jennifer Bauknecht

Vickie Doughan, Secretary

Donald A. Behle

Shannon McCray, Secretary

David W. Butler

Jackie Slayback, Secretary

Charles M. Feeney III

Kevin P. Fitzgerald

Teresa Compton, Secretary

Rebecca S. Foley

Shawn Garth, Secretary

Robert L. Freitag

Peggy Clark, Secretary

Paul G. Lawrence

Joy McKinney, Secretary

Robert M. Travers

Shelby Bounds, Secretary

Circuit Clerks:

Carla Bender, Logan County

Judy Cremer, Livingston County

Kamalen Johnson, Ford County

Carol Newton, Woodford County

Sandra Parker, McLean County

Court Services Directors:

Dean Aeilts, Logan County

Roxanne Castleman, McLean County

Matt Noar, Woodford County

Michael Shaughnessy, Livingston County

Cassy Taylor-Morris, Ford County

Jury Commission Clerks:

Cindy Brand, McLean County

Janet Kvitle, Logan County

Jane Squier, Livingston County

Court Reporters:

Teresa Benningfield

Diane Black

Becky Brandt

Therese Cwick

Valerie Davis

Kathy Fulks

Susan Geshwilm

Debra Gillan

Dora Immke

Deborah Izatt

Amy Jennings

Linda Jennings

Lisa Livezey

Nancy McClarty

Barb Wahls

Diane Whitwood

Annette Wilkey

**For more information on the offices and programs
of the Eleventh Judicial Circuit contact:**

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